

Applicant(s): Petrus Carolus Maria Frissen
Serial No.: 10/616,336
Filed: July 9, 2003
For: DISPLACEMENT DEVICE
Art Unit: 2834
Examiner: Pham, Leda T.

Attorney Docket No.: NL 000765A

REMARKS/ARGUMENTS

Claims 1 through 14 are pending in the present application with claims 1, 2, 3, 5 and 8 through 10 being amended and claims 12 to 14 being newly added hereby.

The Office Action (1) found claims 5 through 9 to contain allowable subject matter; (2) objected to claims 1 and 8 to 9 for informalities; (3) rejected claims 2 and 5 to 10 under 35 U.S.C. 112, second paragraph, as being indefinite; (4) rejected claims 1-3 under 35 U.S.C. 103 as being unpatentable over the U.S. Patent No. 6,072,251 to Markle (hereinafter "the Markle reference") in view of U.S. Patent No. 6,239,516 to Floresta et al. (hereinafter "the Floresta reference"); and (5) rejected claims 1 and 3 to 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,661,127 to Frissen et al. (hereinafter "the Frissen reference").

Regarding item (1) identified above, appreciation is respectfully expressed to the Examiner for the finding of allowable subject matter with respect to claim 5 through 9.

Regarding item (2) identified above, it is respectfully submitted that the present claims 1 and 8 to 9 effectively traverse that stated objections. Accordingly, reconsideration and withdrawal of the objection to claims 1 and 8 to 9 are respectfully requested.

Regarding item (3) identified above, it is respectfully submitted that claim 2 has been cancelled and further that present claims 5 to 10 effectively traverse the stated rejection. Accordingly, reconsideration and withdrawal of the rejection of claims 3 to 10 are respectfully requested.

Regarding item (4) identified above, it is respectfully submitted that present claims 1 to 3 are patentable over the cited reference combination (i.e., the Markle reference and the Floresta reference) and that such claims effectively traverse the stated rejection.

With respect to present claim 1, it is respectfully submitted that neither the Markle reference nor the Floresta reference disclose or suggest that both a first part with magnets and a second part with coils be

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independently movable relative to each other, as defined by present claim 1. Thus, at least for this reason, reconsideration and withdrawal of the stated rejection of claim 1 are respectfully requested.

Considering claims 2 and 3, which both depend directly from claim 1, it is respectfully submitted that such claims are patent able over the cited reference combination at least for the reason noted above with respect to claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 2 and 3 are respectfully requested.

Regarding item (5) identified above, it is respectfully submitted that present claims 1 and 3 to 9 effectively traverse the stated obvious-type double patenting rejection and that such claims are in condition for allowance.

It is noted that newly added claims 12 through 14 are fully supported by the original disclosure and that no new matter has been added by such claims. It is further noted that each claim defines an invention that is neither disclosed nor suggested by the cited reference combination.

In sum, it is respectfully submitted that the present pending claims effectively traverse the stated objections and rejections specified by the Action. Hence, this application is in condition for allowance. Accordingly, reconsideration and withdrawal of all objections/rejections of the claims, and allowance thereof, are respectfully requested.

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